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UNITED STATES DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

February 2011 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREA LORRAINE AVERY,

aka "Eileen Burke,"

aka "Donna Browning,"

aka "Rene Bell,"

aka "Susie Allen,"

KIRKLAND CHARLES,

aka "Kirkland Anthony
Charles,"

aka "Senwosret Ausar,"

WILLIAM EARL GORDON,

aka "Earl Gordon,"

BILL JAMES RELEFORD, JR.,

ANNITA HAWES,

aka "Kym Marie Edwards," and

JAMES ARTHUR BOOKER,

Defendants.

CR No. 11-00405

I N D I C T M E N T

[18 U.S.C. § 1344(2): Bank
Fraud; 18 U.S.C. § 1014: False
Statement to a Bank; 18 U.S.C.
§ 2: Aiding and Abetting and
Causing an Act to be Done]

The Grand Jury charges:

COUNTS ONE through TWENTY-SIX

[18 U.S.C. §§ 1344(2), 2(a)]

A. THE SCHEME TO DEFRAUD

1. Beginning on a date unknown to the Grand Jury, and

1 continuing through and including on or about July 18, 2002, in
2 Los Angeles County, within the Central District of California,
3 and elsewhere, defendants ANDREA LORRAINE AVERY, also known as
4 ("aka") "Eileen Burke," aka "Donna Browning," aka "Rene Bell,"
5 aka "Susie Allen" ("AVERY"), KIRKLAND CHARLES, aka "Kirkland
6 Anthony Charles," aka "Senwosret Ausar" ("CHARLES"), WILLIAM EARL
7 GORDON, aka "Earl Gordon" ("GORDON"), BILL JAMES RELEFORD, JR.
8 ("RELEFORD"), ANNITA HAWES, aka "Kym Marie Edwards" ("HAWES"),
9 and JAMES ARTHUR BOOKER ("BOOKER"), together with others known
10 and unknown to the Grand Jury, each aiding and abetting the
11 other, knowingly and with intent to defraud executed a scheme to
12 obtain moneys, funds, credits, assets, securities, and other
13 property owned by and in the custody and control of Bank of
14 America ("BoFA") and Wells Fargo Bank ("WFB") by means of
15 material false and fraudulent pretenses, representations, and
16 promises, and the concealment of material facts.

17 2. The fraudulent scheme operated in the following manner:

18 a. One or more co-schemers would obtain Social
19 Security numbers, dates of birth, and other personal identifying
20 information belonging to other persons without those persons'
21 consent, knowledge, or authorization.

22 b. Defendant AVERY or another co-schemer would then
23 use this personal identifying information to complete and submit
24 applications for lines of credit from BoFA or WFB ("the
25 applications"). Defendant AVERY or another co-schemer would
26 falsely sign a name other than his or her own on the
27 applications, and would falsely represent that a person other
28 than himself or herself would serve as the guarantor of the line

1 of credit requested in each application. Defendant AVERY or
2 another co-schemer would falsely represent in each of the
3 applications that the guarantor owned and operated a business
4 that the guarantor did not, in fact, own or operate ("the
5 businesses"). Defendant AVERY or another co-schemer would
6 falsely represent revenues generated by each of the businesses in
7 each of the applications. Defendant AVERY or another co-schemer
8 would obtain and then transmit to BofA and WFB fraudulent tax
9 documents relating to revenues generated by the businesses to
10 falsely make it appear as though the businesses were in fact
11 operational.

12 c. After the applications were submitted, defendants
13 AVERY and CHARLES and other co-schemers would communicate with
14 BofA and WFB representatives and falsely pose as the guarantors
15 of the applications or as representatives of the businesses.
16 When BofA and WFB representatives would ask to visit and inspect
17 an office belonging to one of the businesses, defendants AVERY
18 and CHARLES and other co-schemers would set up offices made to
19 appear to belong to that business, would allow the BofA and WFB
20 representatives to visit the office, and would falsely state to
21 the BofA and WFB representatives that the office belonged to that
22 business.

23 d. When the applications were approved and lines of
24 credit were extended by BofA and WFB, defendant AVERY and the co-
25 schemers would write checks and cause checks to be written from
26 the victim credit line accounts to defendant AVERY and to her co-
27 schemers, including to defendants CHARLES, GORDON, RELEFORD,
28 HAWES, and BOOKER, who would then deposit the checks and provide

a percentage of the funds to defendant AVERY.

e. As a result of this scheme, BofA and WFB sustained combined actual losses of at least approximately \$3,096,347.

B. THE EXECUTION OF THE SCHEME

3. On or about the following dates, within the Central District of California, and elsewhere, defendants AVERY, CHARLES, GORDON, RELEFORD, HAWES, and BOOKER, and others known and unknown to the Grand Jury, each aiding and abetting the other, committed and willfully caused others to commit the following acts, among others, each of which constituted an execution of the fraudulent scheme:

<u>COUNT</u>	<u>DATE</u>	<u>ACT</u>
ONE	5/18/01	Submission to BofA of a Bank of America Advantage Business Credit Application and Agreement for a business named Lintium Micro Systems, listing C.P. as president and sole owner of the business, and made to appear to bear C.P.'s signature
TWO	5/31/01	Submission to BofA of purported United States Corporation Income Tax Return for Lintium Micro Systems, identifying C.P. as sole owner
THREE	6/27/01	Deposit of check #1005, made payable to "The Alan Kemp Group" in the amount of \$6,000, drawn on BofA checking account number xxxxxx5066 for Lintium Micro Systems, which was funded by line of credit account number xxxxxxxxxxxxxx57001
FOUR	6/27/01	Deposit of check #1003, made payable to "Bill J. 'William' Releford" in the amount of \$10,000, drawn on BofA checking account number xxxxxx5066 for Lintium Micro Systems, which was funded by line of credit account number xxxxxxxxxxxxxx57001

FIVE	6/27/01	Deposit of check #1007, made payable to "CCA Wireless" in the amount of \$7,000, drawn on BofA checking account number xxxxxx5066 for Lintium Micro Systems, which was funded by line of credit account number xxxxxxxxxxxxx57001
SIX	7/21/01	Deposit of check #1028, made payable to "James Booker" in the amount of \$3,000, drawn on BofA checking account number xxxxxx5066 for Lintium Micro Systems, which was funded by line of credit account number xxxxxxxxxxxxx57001
SEVEN	12/28/01	Submission to WFB of a Loan Application for a business named A&A Development Corp., listing T.I. as president and sole owner of the business, and made to appear to bear T.I.'s signature
EIGHT	1/28/02	Deposit of check #6109, made payable to "Construction Repair Services" in the amount of \$4,455, drawn on a WFB business credit line account for A&A Development Corp., line of credit account number 5474xxxxxxx36885/7648xxxxx36885
NINE	1/28/02	Deposit of check #6110, made payable to "Construction Repair Services" in the amount of \$2,445, drawn on a WFB business credit line account for A&A Development Corp., line of credit account number 5474xxxxxxx36885/7648xxxxx36885
TEN	1/29/02	Deposit of check #6101, made payable to "The Alan Kemp Group" in the amount of \$3,000, drawn on a WFB business credit line account for A&A Development Corp., line of credit account number 5474xxxxxxx36885/7648xxxxx36885
ELEVEN	1/30/02	Deposit of check #6102, made payable to "Kym Edwards" in the amount of \$4,000, drawn on a WFB business credit line account for A&A Development Corp., line of credit account number 5474xxxxxxx36885/7648xxxxx36885
TWELVE	2/11/02	Deposit of check #6113, made payable to "The Alan Kemp Group" in the amount of \$2,500, drawn on a WFB business credit line account for A&A Development Corp., line of credit account number 5474xxxxxxx36885/7648xxxxx36885

THIRTEEN	3/22/02	Submission to BofA of a Bank of America Advantage Business Credit Application and Agreement for a business named Howling Moon, Inc., listing M.F. as president of the business, and made to appear to bear M.F.'s signature
FOURTEEN	3/22/02	Submission to BofA of a Bank of America Advantage Business Credit Application and Agreement for a business named California Podiatry of Diabetes Foot, listing P.U. as president and sole owner of the business, and made to appear to bear P.U.'s signature
FIFTEEN	5/30/02	Deposit of check #112, made payable to "Bill J. Releford" in the amount of \$38,750, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001
SIXTEEN	5/30/02	Deposit of check #102, made payable to "Kirkland Charles" in the amount of \$2,500, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001
SEVENTEEN	5/30/02	Deposit of check #103, made payable to "Bareka Holdings" in the amount of \$2,500, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001
EIGHTEEN	6/18/02	Deposit of check #106, made payable to "The Alan Kemp Group" in the amount of \$4,000, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001
NINETEEN	6/18/02	Deposit of check #107, made payable to "Andrea Avery" in the amount of \$2,800, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001"

TWENTY	6/18/02	Deposit of check #121, made payable to "William Gordon" in the amount of \$500, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001
TWENTY-ONE	6/20/02	Deposit of check #349, made payable to "Kirkland Charles" in the amount of \$2,500, drawn on BofA direct deposit account number xxxxxx6841 for Howling Moon, Inc., which was funded by line of credit account number xxxxxxxxxxxxxx97001
TWENTY-TWO	6/20/02	Deposit of check #1003, made payable to "Andrea Avery" in the amount of \$2,500, drawn on BofA direct deposit account number xxxxxx6841 for Howling Moon, Inc., which was funded by line of credit account number xxxxxxxxxxxxxx97001
TWENTY-THREE	6/20/02	Deposit of check #1005, made payable to "The Alan Kemp Group" in the amount of \$5,000, drawn on BofA direct deposit account number xxxxxx6841 for Howling Moon, Inc., which was funded by line of credit account number xxxxxxxxxxxxxx97001
TWENTY-FOUR	6/27/02	Deposit of check #1012, made payable to "William Gordon" in the amount of \$9,500, drawn on BofA direct deposit account number xxxxxx6841 for Howling Moon, Inc., which was funded by line of credit account number xxxxxxxxxxxxxx97001
TWENTY-FIVE	7/18/02	Deposit of check #128, made payable to "Bill J. Releford" in the amount of \$1,500, drawn on BofA direct deposit account number xxxxxx8949 for California Podiatry of Diabetes Foot, which was funded by line of credit account number xxxxxxxxxxxxxx47001

COUNT TWENTY-SIX

[18 U.S.C. §§ 1014, 2(b)]

On or about May 18, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREA LORRAINE AVERY, also known as ("aka") "Eileen Burke," aka "Donna Browning," aka "Rene Bell," aka "Susie Allen" ("AVERY"), knowingly made, and caused to be made, a false statement and report for the purpose of influencing the action of Bank of America ("BofA") in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, in that defendant AVERY falsely submitted an application for a business line of credit from BofA for a business named Lintium Micro Systems, Inc., which named C.P. as the company's owner and president, and which was made to appear to bear the signature of C.P., when in truth and in fact, as defendant AVERY then well knew, C.P. did not in fact own any business named Lintium Micro Systems, Inc., nor did C.P. submit or sign the application for the business line of credit, know of its submission, or otherwise authorize that defendant AVERY or any other person submit the application.

COUNT TWENTY-SEVEN

[18 U.S.C. §§ 1014, 2(b)]

On or about December 28, 2001, in Los Angeles County, within the Central District of California, and elsewhere, defendant ANDREA LORRAINE AVERY, also known as ("aka") "Eileen Burke," aka "Donna Browning," aka "Rene Bell," aka "Susie Allen" ("AVERY"), knowingly made, and caused to be made, a false statement and report for the purpose of influencing the action of Wells Fargo Bank ("WFB") in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, in that defendant AVERY falsely submitted an application for a business line of credit from WFB for a business named A&A Development Corp., which named T.I. as the company's owner and president, and which was made to appear to bear the signature of T.I., when in truth and in fact, as defendant AVERY then well knew, T.I. was not in fact the owner or associate of any business named A&A Development Corp., nor did T.I. submit or sign the application for the business line of credit, know of its submission, or otherwise authorize that defendant AVERY or any other person submit the application.

COUNT TWENTY-EIGHT

[18 U.S.C. §§ 1014, 2]

On or about March 22, 2002, in Los Angeles County, within the Central District of California, and elsewhere, defendants ANDREA LORRAINE AVERY, also known as ("aka") "Eileen Burke," aka "Donna Browning," aka "Rene Bell," aka "Susie Allen" ("AVERY"), KIRKLAND CHARLES, aka "Kirkland Anthony Charles," aka "Senwosret Ausar" ("CHARLES"), and BILL JAMES RELEFORD, JR. ("RELEFORD"), each aiding and abetting the other, knowingly made, and caused to be made, a false statement and report for the purpose of influencing the action of Bank of America ("BofA") in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, in that defendants AVERY, CHARLES, and RELEFORD falsely submitted an application for a business line of credit from BofA for a business named California Podiatry of Diabetes Foot, which named P.U. as the company's owner and president, and which was made to appear to bear the signature of P.U., when in truth and in fact, as defendants AVERY, CHARLES, and RELEFORD then well knew, P.U. was not in fact the owner or associate of any business named California Podiatry of Diabetes Foot, nor did P.U. submit or sign the application for the business line of credit, know of its submission, or otherwise authorize that defendants AVERY, CHARLES, and RELEFORD, or any other person submit the application.

COUNT TWENTY-NINE

[18 U.S.C. §§ 1014, 2]

On or about June 17, 2002, in Los Angeles County, within the Central District of California, and elsewhere, defendants ANDREA LORRAINE AVERY, also known as ("aka") "Eileen Burke," aka "Donna Browning," aka "Rene Bell," aka "Susie Allen" ("AVERY"), and WILLIAM EARL GORDON, aka "Earl Gordon" ("GORDON"), each aiding and abetting the other, knowingly made, and caused to be made, a false statement and report for the purpose of influencing the action of Bank of America ("BoFA") in connection with an application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, and loan, in that defendants AVERY and GORDON falsely submitted an application for a business line of credit from BoFA for a business named Howling Moon, Inc., which named M.F. as the company's owner and president, and which was made to appear to bear the signature of M.F., when in truth and in fact, as defendants AVERY and GORDON then well knew, M.F. was not in fact the owner or associate of any business named Howling Moon, Inc., nor did M.F. submit or sign the application for the business line of credit, know of its submission, or otherwise

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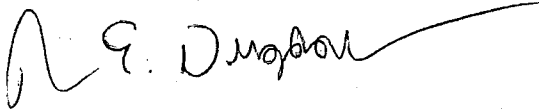
1 authorize that defendants AVERY and GORDON, or any other person
2 submit the application.

3 A TRUE BILL

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6
7 Foreperson

8
9 ANDRÉ BIROTTE JR.
United States Attorney

10 

11
12 ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division

13
14 RODRIGO A. CASTRO-SILVA
Assistant United States Attorney
Chief, Organized Crime Drug Enforcement
15 Task Force Section

16 LANA MORTON-OWENS
Assistant United States Attorney
17 Violent and Organized Crime Section

18 BENJAMIN R. BARRON
Assistant United States Attorney
19 Organized Crime Drug Enforcement
Task Force Section